GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

ESTABLISHMENT – RWS&S Department- Sri P.V.Naga Sai, the then AEE (RWS&S), Vijayawada and presently working in Panchayat Raj Engineering Department – Regularization of Suspension Period from 28.01.2013 to 08.04.2013 as duty under FR 54 (A) (3) and the absence period from 09.04.2013 to 07.08.2013 as Extra Ordinary Leave on private affairs- Orders-Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (ESTT.II) DEPARTMENT

G.O.Rt.No.722 Dated:28.07.2016.

Read the following:-

1. Procs. No. Vig 1 (2)/RWS&S/01188/2013, Dt. 12.02.2013 of the Engineer-in-Chief, RWS&S, A.P., Hyderabad.
2. Orders, Dt. 03.04.2013 of the Hon'ble A.P.A.T., in O.A. No. 2241/2013 filed by Sri P.V.Naga Sai, AEE.
3. Procs. No. Vig (2)/RWS&S/34828/2012, Dt. 08.04.2013 of the Engineer-in-Chief, RWS&S, A.P., Hyderabad
4. Orders dt:16-4-2013 of the Hon'ble APAT in O.A.No.2626/2013
5. Orders of the Hon'ble High Court in W.P.M.P.No.22366/13 in WP No.18317/13, dt:27-6-2013
6. From the SE, RWS, Vijayawada Lr.Rc.No.A1/545/2012, dt:8-7-2013
7. From the SE, RWS&S, Kakinada Lr.No.C1/1038/12, Dt:27-7-2013
8. Orders dt:7-8-2014 of the Hon'ble APAT in O.A.No.2626/2013
9. Lok Adalat Award in Case No.1356/2015, dt:22-8-2015
10. From Sri P.V. Naga Sai, AEE Lr. dt:27-10-2015
11. From the CE (Admn), RWS&S, A.P., Hyd, Lr. No. Vig (2)/RWS&S/3482/2012-1, Dt. 29.01.2016

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ORDER:-

In the reference 1st read above, Sri P.V.Naga Sai, the then Assistant Executive Engineer, O/o Superintendent Engineer., (RWS&S), Vijayawada was placed under suspension as per Rule 8 (2) of APCS (CC&A), Rules, 1991, as a case was registered in Crime No.94/2013 U/S 354 IPC in S.N. Puram, Police Station, Vijayawada against him and arrested on 28-1-2013 and detained in custody for a period of (15) days.

2. In the reference.2nd read above, the Hon'ble APAT suspended the suspension orders issued in the reference1st read above and directed to reinstate the applicant and initiate Departmental Enquiry in Criminal Case.

3. In the reference 3rd read above, pending finalization of criminal case and disciplinary case, the suspension orders of the applicant were revoked and after reinstatement, the individual was allotted to RWS&S Circle, Kakinada.

4. In the reference 4th read above, the Hon'ble APAT, while disposing of the O.A. at the admission stage, directed to reinstate the applicant into service and post him at the same place i.e. RWS&S, Vijayawada and pay him the salary from the date of his suspension to the date of his reinstatement into service.

5. In the reference 5th read above, the Hon'ble High Court granted interim suspension of the orders of the Hon'ble APAT against O.A. No.2626/2013.

(PTO)

6. In the reference 6th read above, the subsistence allowance has been paid to Sri P. V. Nagasai, Assistant Executive Engineer upto 30-06-2013, as he has not joined in new station as on 6-7-2013.

7. In the reference 7th read above, the Superintendent Engineer, RWS&S, Kakinada, has informed that the individual neither reported to duty at RWS&S Circle, Kakinada, as per the orders of Hon'ble High Court, nor applied for any kind of leave.

8. In the reference 8th read above, the Hon'ble APAT while dismissing the O.A. No.2626/13 on 7-8-2014 has observed that the applicant was suspended when he was working in RWS&S Circle, Vijayawada. After reinstating the applicant into service, the respondent authority considered it appropriate to post him to RWS&S Circle, Kakinada, which by no stretch of imagination can be termed as harassment or non-application of mind. Since the applicant has now joined in another Department without even getting relief from the respondent authorities, the question of giving him another posting does not arise. They have further observed that the order of suspension dt:12-2-2013 was suspended by the Tribunal on 3-4-2013. The applicant was reinstated into service and allotted to RWS&S Circle, Kakinada in the same order. But the applicant did not join there. The applicant has also not applied for leave after reinstatement into service nor did he join the duty at RWS&S Circle, Kakinada. Thus, unless the applicant reports to duty at the allotted RWS&S Circle, Kakinada, he can not claim salary for the period from date of suspension to the date of actual joining at the place of posting. The applicant can claim salary only after a decision is taken on his representation on the issue of regularisation of his absence from duty including the suspension period. In any case, the applicant did not ask any relief on this issue in the present O.A. The impugned order dt:8-4-2013 is not bad in law. The relief sought to set aside the impugned order dt:8-4-2013 whereunder the applicant is reinstated and allotted to RWS&S Circle, Vijayawada, does not deserve to be granted.

9. In the reference 10th read above, the individual has informed that the Hon'ble presiding judge has acquitted him from the case under 320(8) of Cr .P.C of the offence punishable under section 323, 509 of IPC vide LOK ADALAT Case No.1356/2015, dt.22.08.2015 at Vijayawada and requested to regularize the period of suspension from 28.01.2013 to 30.06.2013.

10. In the reference 11th read above, the Chief Engineer (Admn), RWS&S, AP, Hyderabad has informed that the individual joined in Panchayat Raj Department. on 8-8-2013 as Assistant Executive Engineer without taking proper relief from RWS&S Department before joining the Panchayat Raj Engineering Department.

11. In the circumstances explained by the Chief Engineer, (Admn), RWS&S, A.P., Hyderabad in the reference 11th read above, Government, after careful examination, hereby permit the Chief Engineer (Admn), RWS&S, AP, Hyderabad to regularize the suspension period from 28.01.2013 to 08.04.2013 in respect of Sri P.V. Nagasai, the then Assistant Executive Engineer, RWS&S, as duty under FR 54 (A) (3) and treat the period of absence from 09.04.2013 to 07.08.2013 as Extra Ordinary Leave on private affairs. He is also requested to recover the subsistence allowance already paid to Sri P.V.Naga Sai for the period from 09.04.2013 to 30.06.2013, since the said period is treated as EOL on private affairs.

12. The Chief Engineer, (Admn), RWS&S, A.P., Hyderabad shall take necessary further action in the matter accordingly.

(Contd to P.3)

13. This order issues with the concurrence of Finance (HR.IV) Department vide their U.O. No. 83157/120/HR.IV/2016, Dt. 28.05.2016.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

To,
The Individual concerned through the Chief Engineer, (Admn), RWS&S, A.P., Hyderabad
The Chief Engineer, (Admn), RWS&S, A.P., Hyderabad
The Pay & Accounts Officer, A.P., Hyderabad.
Copy to:
The Engineer-In-Chief, PRED, A.P., Hyderabad
The Finance (HR-IV) Department, A.P., Secretariat, Hyderabad
The Accountant General, A.P., Hyderabad
The District Treasury Officer/Sub Treasury Officer, Krishna District, Machilipatnam.
The OSD to Hon'ble M (PR, RWS & NREGS).
The P.S to Principal Secretary to Government (PR)
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER